

REMARKS

In response to the new restriction requirement of September 9, 2008, Applicants have considered the International Preliminary Report on Patentability for the parent PCT application, received on July 18, 2008 after responding to the first restriction requirement. In light of the new restriction requirement, Applicants preliminarily elect device claims that were cancelled in a Preliminary Amendment dated August 25, 2005, and method claims for making such devices based on claims from Group I of the original restriction requirement of May 5, 2008. Claims 75-81 are device claims drawn to a patch with an active layer for delivering a volatile substance, having a fractional adhesive layer. Claims from Group I from the May restriction requirement were drawn to a method for making an active layer and patch to deliver a volatile substance, and encompassed claims 1, 4, 8, 11, 15, 22, 32 and 35. Claim 75 was cancelled in the Preliminary Amendment, and claims 1, 4, 8, 11, 15, 22, 32 and 35 were cancelled in the response of June 23, 2008, *before* receiving the IPRP with its favorable opinion on novelty (claims 5-18, 21, 25, 30, 31, 35, 41, 50, 54 and 60-67) and inventive step (claims 6-18, 30, 31, 50, and 60-66). Therefore, in view of the favorable opinion on patentability in the IPRP, Applicants have added back claims 75-81 and 1, 4 and 8, 9-18, 20-22, 30-36, 40-42 and 50, re-written as claims 113-146 with this amendment, and cancelled claims 1-112.

Support for new claim 113 is found in original claim 75, and at p. 12, lines 1-2; p. 13, lines 19-22 and Fig. 1; and at p. 14, lines 1-10. Support for claims 114-119 is found in original claims 76-81, respectively. Support for new claims 120 – 122 is found in original claims 40-42, respectively. Support for new claim 123 is found in the application at p. 15, lines 16-19; Example 1, pp. 18-19. Support for new claim 124 is found in original claim 50. Support for new claim 125 is found in original claim 31, and at p. 5, lines 1-2.

Support for new claim 126 is found in original claims 1, 4, and 8. Support for new claims 127- 136 is found in original claims 9-18; support for new claims 137 -139 is found in original claims 20-22; and support for new claims 140-146 is found in original claims 30-36. The following table shows the new claims matched with the original claims and the support in the specification:

NEW CLAIM #	Original Claim/support in specification
113	75, and p. 12, lines 1-2; p. 13, lines 19-22 and Fig. 1; p. 14, lines 1-10
114	76
115	77
116	78
117	79
118	80
119	81
120	40
121	41
122	42
123	p. 15, lines 16-19; Example 1, pp. 18-19
124	50
125	Original Claim 31, and at p. 5, lines 1-2
126	1, 4, and 8
127	9
128	10
129	11
130	12
131	13
132	14
133	15
134	16
135	17
136	18
137	20
138	21
139	22
140	30
141	31
142	32
143	33
144	34
145	35
146	36

Applicant submits that no new matter has been added with the amendments. Applicants respectfully submit that claims 113-146 fall within the scope of a single invention and have unity of invention, because all claims contain the technical features of an active layer for delivering a volatile substance, a barrier layer, a first release liner, and a fractional adhesive layer. Thus, the patches and methods of making same (based on Group I from the May 2008 restriction requirement) have unity of invention., and Applicants therefore request examination of claims 113-146 on the merits.

It is believed that a two-month extension of time is needed for submission of this communication and request that deposit account number 19-4972 be charged for the accompanying two-month extension fee that is due; If any additional extension of time or fees are required for the timely consideration of this application, Applicants submit this conditional petition for an extension of time, and request that any additional fees also be charged to deposit account number 19-4972.

It is submitted that all of the pending claims are now in a condition for allowance. Accordingly, Applicants respectfully request reconsideration of the application and issuance of a notice of allowance. The Examiner is requested to telephone the undersigned if any matters remain outstanding so that they may be resolved expeditiously.

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Respectfully submitted,

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